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16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
18

19 CHRISTOPHER BARULICH,  
20 individually and on behalf of all others  
similarly situated,

21 Plaintiff,

22 v.

23 THE HOME DEPOT, INC., a Delaware  
24 corporation, and GOOGLE LLC, a  
Delaware limited liability company,

25 Defendants.  
26  
27  
28

Case No. 2:24-cv-01253-FLA-JC

**GOOGLE LLC'S NOTICE OF  
MOTION AND MOTION TO  
TRANSFER; MEMORANDUM  
OF POINTS AND AUTHORITIES**

**Hearing**

Date: June 7, 2024

Time: 1:30 p.m.

Judge: Fernando L. Aenlle-Rocha

Place: Courtroom 6B

[Filed concurrently with:  
Declarations of Kristine Forderer and  
Jacky Goodwin; Proposed Order]

**NOTICE OF MOTION**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

**PLEASE TAKE NOTICE** that on June 7, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard, before the Honorable Fernando L. Aenlle-Rocha of the Central District of California at the First Street Courthouse, Courtroom 6B, 6th Floor, located at 350 West First Street, Los Angeles, California 90012, Defendant Google LLC (“Google”) will and hereby does move the Court to transfer this case to the United States District Court for the Northern District of California, so that it can be concurrently litigated with an earlier-filed case, *Misael Ambriz v. Google LLC* (N.D. Cal. filed Oct. 23, 2023), pending before the Honorable Rita F. Lin.

This Motion is based on this Notice of Motion, the following Memorandum of Points and Authorities, the concurrently filed Declarations of Kristine Forderer and Jacky Goodwin, the pleadings, any oral argument, and any other materials properly presented with this Motion. This Motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on April 9, 2024.

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## MEMORANDUM OF POINTS AND AUTHORITIES

### **I. INTRODUCTION**

Nearly four months after *Ambriz v. Google*, No. 3:23-cv-05437 (N.D. Cal. Oct. 23, 2023) (“*Ambriz*”) was filed in the Northern District of California, Plaintiff Christopher Barulich filed this nearly identical action, captioned *Christopher Barulich v. The Home Depot, Inc. et al.*, No. 2:24-cv-01253 (C.D. Cal. Feb. 14, 2024) (“*Barulich*”). Here, Barulich alleges that Google violated Cal. Penal Code § 631(a) (“Section 631(a)”) of the California Invasion of Privacy Act (“CIPA”), through its provision of certain services to the Home Depot, Inc. (“Home Depot”) via Google Cloud’s Contact Center Artificial Intelligence (“CCAI”) technology. As alleged, the only difference between *Barulich* and *Ambriz* is that *Ambriz* involves Google’s provision of CCAI services to Verizon Communications, Inc. (“Verizon”), whereas in *Barulich*, Home Depot is the customer.

Under the first-to-file rule, the Court should transfer this action to the Northern District of California, so that this case may be litigated alongside *Ambriz*. Each requirement of the first-to-file rule is satisfied here: (1) chronology, (2) similarity of legal issues, and (3) similarity of parties. First, this case was filed nearly four months after *Ambriz*. Second, the two actions involve the same primary legal claims and defenses: whether Google allegedly eavesdrops on customer service calls via CCAI, whether Google is a third party to these communications, whether the alleged interception occurred “in transit,” whether plaintiffs consented to the alleged interception, and whether plaintiffs used a landline, as required to state a violation under Section 631(a)’s first clause. Third, there is substantial overlap between the parties. Google is a named defendant in both cases, the putative classes have the same interests, and there may be overlap between the two class definitions.

The Court can also transfer this action under 28 U.S.C. § 1404(a) (“Section 1404(a)”) because this action could have been filed in the Northern District of California and litigating this action in that District will be more convenient for the

parties and conserve federal judicial resources.

Principles of economy, consistency, and comity warrant transferring this case to the Northern District of California. For the reasons explained more fully below, the Court should grant Google’s Motion.

## II. BACKGROUND

### A. The First Action: *Ambriz v. Google* (N.D. Cal.)

On October 23, 2023, Plaintiff Misael Ambriz filed a class action lawsuit against Google alleging that CCAI constituted an illegal wiretap under the first and second prongs of Section 631(a). *See* Declaration of Kristine Forderer (“Forderer Decl.”), ¶ 2, Ex. A (“*Ambriz Compl.*”). Ambriz alleges that on several occasions he called Verizon’s customer contact center which used CCAI. *Ambriz Compl.* ¶¶ 25, 32. Ambriz further claims that Google’s “session manager”—a computer—remained on the line when he was transferred to a live human agent, and suggested “‘smart replies’ and news articles to the Verizon agent [Ambriz] was communicating with.” *Id.* ¶ 36. Ambriz claims that he expected this portion of the conversation to “be only between himself and the Verizon human customer service agent,” not CCAI. *Id.* ¶ 35. Ambriz alleges that “Google read and learned, in real time, the contents of Plaintiff’s conversation with Verizon,” all without obtaining consent. *Id.* ¶¶ 37–38.

Ambriz brings the action on behalf of any individual in the United States who “had the contents of their conversations with Verizon read and learned by” Google using CCAI, and a subclass of individuals who were in California at the time of the alleged wiretapping. *Ambriz Compl.* ¶¶ 40–41.

Ambriz alleges that the following common questions will predominate: (1) whether Google violated Section 631(a); (2) whether Google had “sought or obtained prior consent—express or otherwise” from Ambriz or the putative classes; and (3) whether Ambriz and the putative class are entitled to “actual and/or statutory damages.” *Ambriz Compl.* ¶ 45.

Google moved to dismiss *Ambriz* earlier this year arguing, *inter alia*, that



1 CCAI is not a “third-party” for purposes of CIPA liability. Forreder Decl., ¶ 3, Ex. B  
 2 (Google’s Motion to Dismiss *Ambriz*) at 5:10–11. Judge Rita Lin held oral argument  
 3 on March 19, 2024, and took the matter under submission. *Id.* ¶ 4. As of the date of  
 4 this filing, Judge Lin has not yet issued a written order. *Id.* Further, as of the date of  
 5 this filing, the *Ambriz* Court has not yet held a case management conference or set a  
 6 case schedule, and no discovery has commenced. *Id.* ¶ 5.

7 **B. The Second Action: *Barulich v. Google* (C.D. Cal.)**

8 On February 14, 2024, Plaintiff Christopher Barulich filed a class action  
 9 lawsuit against Google and Home Depot alleging that Google illegally wiretapped  
 10 Barulich’s customer service calls to Home Depot through CCAI, in violation of  
 11 Section 631(a). ECF No. 1 (“*Barulich* Compl.”). Barulich alleges he called Home  
 12 Depot’s customer service department, which used CCAI, “multiple times.” *Id.* ¶ 20.  
 13 Like *Ambriz*, Barulich alleges that he “first spoke with a Home Depot ‘virtual agent’”  
 14 and “was not aware, and had no reason to believe, that his communications were  
 15 simultaneously being disclosed to a third party: Google.” *Id.* ¶¶ 21, 23. When  
 16 Barulich was allegedly transferred to a live Home Depot agent, he claims that Google  
 17 remained on the line and “suggest possible replies to the live Home Depot agent on  
 18 the phone,” even though he “had a reasonable expectation that the conversation was  
 19 only between himself and Home Depot.” *Id.* ¶¶ 24, 26. Like *Ambriz*, Barulich alleges  
 20 that “Google read, attempted to read, or learned the contents of [Plaintiff Barulich’s]  
 21 communications with Home Depot.” *Id.* ¶ 27; *see Ambriz* Compl. ¶ 37.

22 Barulich brings the instant action on behalf of all California residents “who  
 23 called Home Depot . . . in which Home Depot permitted Google to access, read,  
 24 and/or learn the contents of callers’ communications via its CCAI service.” *Barulich*  
 25 Compl. ¶ 36.

26 Like *Ambriz*, Barulich alleges that the following common questions will  
 27 predominate in this action, including whether: (1) Google violates Section 631(a);  
 28 (2) Google was a third party to calls or merely provided a tool to Home Depot; (3)

1 Home Depot and/or Google obtained prior or retroactive consent; and (4) Barulich  
 2 and the putative class are entitled to damages under CIPA. *Barulich* Compl. ¶ 39; *see*  
 3 *id.* ¶ 47 (asserting Section 631(a) against Google).

4 On March 13, 2024, this Court extended the deadline for Google and Home  
 5 Depot to answer or otherwise respond to the *Barulich* Complaint until May 13, 2024.  
 6 ECF No. 25. The following day, Google filed a notice of pendency of other actions  
 7 or proceedings, identifying *Ambriz*. ECF No. 26. As of the date of this filing, no party  
 8 has responded to the *Barulich* Complaint, no discovery has taken place, and the Court  
 9 has not held a case management conference or issued a case schedule.

### 10 **III. LEGAL STANDARD**

#### 11 **A. Transfer Under the First-To-File Rule**

12 The first-to-file rule permits a district court to dismiss, stay, or transfer a case  
 13 “if a similar case with substantially similar issues and parties was previously filed in  
 14 another district court.” *See Kohn Law Grp., Inc. v. Auto Parts Mfg. Miss., Inc.*, 787  
 15 F.3d 1237, 1239 (9th Cir. 2015). In applying the rule, “a court analyzes three factors:  
 16 chronology of the lawsuits, similarity of the parties, and similarity of the issues.” *Id.*  
 17 at 1240.

18 “The first-to-file rule is intended to ‘serve[] the purpose of promoting  
 19 efficiency well and should not be disregarded lightly.’” *Id.* at 1239 (quoting *Alltrade,*  
 20 *Inc. v. Uniweld Prods., Inc.*, 946 F.2d 622, 625 (9th Cir. 1991)). “When applying the  
 21 first-to-file rule, courts should be driven to maximize ‘economy, consistency, and  
 22 comity.’” *Id.* at 1240 (citation omitted). The rule is “designed to avoid placing an  
 23 unnecessary burden on the federal judiciary, and to avoid the embarrassment of  
 24 conflicting judgments,” *Church of Scientology of Cal. v. U.S. Dep’t of Army*, 611  
 25 F.2d 738, 750 (9th Cir. 1979), making it especially appropriate in the context of class  
 26 actions, *see Zepeda v. Ulta Salon, Cosmetics & Fragrance, Inc.*, 2018 WL 6981842,  
 27 at \*5 (C.D. Cal. June 1, 2018) (citation omitted) (explaining class actions are  
 28 “‘frequently complex affairs which tax judicial resources,’ and are ‘the very cases in

1 which the principles of avoiding duplicative proceedings and inconsistent holdings  
 2 are at their zenith”); *Henry v. Home Depot U.S.A., Inc.*, 2016 WL 4538365, at \*4  
 3 (N.D. Cal. Aug. 31, 2016) (citation omitted) (“[L]itigating a class action requires  
 4 both the parties and the court to expend substantial resources’ and ‘the most  
 5 important purpose of the first-to-file rule is to conserve these resources by limiting  
 6 duplicative cases.”).

7 Courts applying the first-to-file rule therefore look to whether the two actions  
 8 are “substantially similar or involve substantial overlap,” rather than requiring  
 9 identical parties or issues. *Priddy v. Lane Bryant, Inc.*, 2008 WL 11410109, at \*7  
 10 (C.D. Cal. Nov. 24, 2008); *see also Riffel v. Regents of the Univ. of Cal.*, 2019 WL  
 11 5978784, at \*5 (C.D. Cal. Nov. 12, 2019) (citation omitted) (“Cases are sufficiently  
 12 similar where key issues overlap and the resolution of one case could affect the  
 13 resolution of the other.”).

14 If the first-to-file rule applies, “the court of the later-filed action should defer  
 15 to the jurisdiction of the court of the first-filed action by either dismissing, staying,  
 16 or transferring the later-filed suit.” *Molander v. Google LLC*, 473 F. Supp. 3d 1013,  
 17 1017 (N.D. Cal. 2020) (citation omitted). Here, Google seeks a transfer of this action.

#### 18 **B. Transfer Under Section 1404(a)**

19 “The purpose of § 1404(a) is to ‘prevent the waste of time, energy, and money  
 20 and to protect litigants, witnesses and the public against unnecessary inconvenience  
 21 and expense.’” *Ickes v. AMC Networks Inc.*, 2023 WL 4297577, at \*4 (N.D. Cal. June  
 22 30, 2023). “For the convenience of parties and witnesses, in the interest of justice, a  
 23 district court may transfer any civil action to any other district or division where it  
 24 might have been brought.” 28 U.S.C. § 1404(a). Transfer under Section 1404(a) is  
 25 proper if the action could have been brought in the other district, and if transfer would  
 26 be convenient for the parties and serve the interest of justice. *Ickes*, 2023 WL  
 27 4297577, at \*4.

28

## IV. ARGUMENT

### A. Transfer is Appropriate Under the First-to-File Rule

All three first-to-file factors—timing, similarity of issues, and similarity of parties—are satisfied here. The Court should therefore transfer *Barulich* to the Northern District of California under the first-to-file rule.

**Timing of the Two Cases:** “The first—and most fundamental—requirement is that the action in the transferee district court must have been filed prior to the action in the transferor district court.” *Zimmer v. Dometic Corp.*, 2018 WL 1135634, at \*3 (C.D. Cal. Feb. 22, 2018). *Ambriz* was filed on October 23, 2023, and this action was filed on February 14, 2024—roughly four months after *Ambriz*.<sup>1</sup> The timing of the two actions satisfies the first factor under the first-to-file rule. *See Variscite, Inc. v. City of L.A.*, 2023 WL 3493557, at \*10 (C.D. Cal. Apr. 11, 2023) (“The first factor simply requires that the case in question be filed later in time than the comparator case.”).

**Identical Legal Issues:** Under the first-to-file rule, “[c]ases are sufficiently similar ‘where key issues overlap and the resolution of one case could affect the resolution of the other.’” *Carrera v. First Am. Home Buyers Prot. Co.*, 2012 WL 13012698, at \*5 (C.D. Cal. Jan. 24, 2012) (citation omitted); *see also eNom, Inc. v. Philbrick*, 2008 WL 4933976, at \*2 (W.D. Wash. Nov. 17, 2008) (applying the first-to-file rule, even though the later-filed case included an additional claim, because the issues were still “overwhelmingly similar . . . so simultaneous adjudication of both cases would waste judicial resources”).

As alleged, the issues raised by the claims against Google in this action are nearly identical to those raised in *Ambriz*. The central question in both cases is

<sup>1</sup> The complaint in this action largely cuts and pastes from *Ambriz*, often repeating the same allegations with minor tweaks. *E.g.*, compare *Barulich* Compl. ¶ 27, with *Ambriz* Compl. ¶ 37. *Ambriz* also was reported in the legal press. *See* Lauren Berg, *Google AI Accused of Wiretapping Customer Service Calls*, LAW360 (Oct. 25, 2023), accessible at: <https://www.law360.com/articles/1736903> (last visited Apr. 19, 2024). Plaintiff and his counsel clearly were aware of *Ambriz* but did not notify the Court of this related case per Local Rule 83-1.4.

whether Google’s CCAI technology, as used in customer call centers, violates Section 631(a); answering this question involves the same legal questions around whether Google eavesdrops on customer service calls via CCAI, whether Google is a third party to customer service communications that use CCAI, whether the alleged interception is “in transit,” and whether Plaintiff used a landline. *Compare Barulich* Compl. ¶ 39, with *Ambriz* Compl. ¶ 45. Other key issues common to both actions are whether plaintiffs and the putative classes consented to the challenged conduct, and whether Google is liable for statutory damages under CIPA. *See id.* That *Barulich* also alleges aiding and abetting and/or conspiracy liability against Home Depot does not change the analysis. Secondary liability necessarily turns on whether Google has violated Section 631(a)—the central issue in both cases. It is enough that “the resolution of the [earlier-filed] case would simultaneously resolve most, if not all, of the issues raised in the instant action.” *Gatlin v. United Parcel Serv., Inc.*, 2018 WL 10161198, at \*6 (C.D. Cal. Aug. 23, 2018). Transfer is therefore warranted under the second factor because the main legal issues raised in *Ambriz* and *Barulich* are substantially identical.

***Substantially Similar Parties:*** The third factor—substantial similarity of the parties—also is satisfied here. Google is a defendant in both actions, and the classes have similar interests. The addition of Home Depot as a defendant in *Barulich* does not affect the analysis. *See, e.g., Red v. Unilever U.S., Inc.*, 2010 WL 11515197, at \*5 (C.D. Cal. Jan. 25, 2010) (“the first-to-file rule does not require identical parties,” only “substantial overlap”); *Kohn*, 787 F.3d at 1240 (inclusion of additional defendant in one action but not the other does not defeat a finding that there is substantial similarity between the parties). Instead, it is sufficient that Google is a named defendant in both actions. *See Youngevity Int’l, Inc. v. Renew Life Formulas, Inc.*, 42 F. Supp. 3d 1377, 1382 (S.D. Cal. 2014) (holding that a common defendant makes both actions “substantially similar”).

In evaluating the similarity of plaintiffs in putative class actions, “courts look

1 to the proposed classes rather than the named plaintiffs.” *Red*, 2010 WL 11515197,  
 2 at \*4. “Exact identity of the proposed classes is not required.” *Booker v. Am. Honda*  
 3 *Motor Co., Inc.*, 2020 WL 7263538, at \*2 (C.D. Cal. Oct. 20, 2020). Rather, parties  
 4 are “‘substantially similar’ under the first-to-file rule ‘if they represent the same  
 5 interests.’” *Variscite*, 2023 WL 3493557, at \*11 (collecting cases) (citation omitted);  
 6 *see also Aqua Connect, Inc. v. SHI Int’l Corp.*, 2019 WL 8883452, at \*3 (C.D. Cal.  
 7 Dec. 16, 2019) (“Courts have found that if the parties are not identical in the two  
 8 related actions, they are ‘substantially similar’ under the first-to-file rule if they  
 9 represent the same interests.”).

10 The class definitions in *Barulich* and *Ambriz* include individuals who placed  
 11 customer service calls that Google, through CCAI, allegedly wiretapped and/or  
 12 eavesdropped. Both classes seek to recover statutory damages under Section 631(a).  
 13 Thus, both putative classes have “the same interests,” *see Variscite*, 2023 WL  
 14 3493557, at \*11 (citation omitted), and the Court should find overlap of the parties  
 15 on this basis alone. *See Hoyt v. Amazon.com, Inc.*, 2019 WL 1411222, at \*5 (N.D.  
 16 Cal. Mar. 28, 2019) (finding substantial similarity of two class actions asserting the  
 17 same independent-contractor-misclassification theory, despite different class  
 18 definitions, because the later-filed action “represents the same interests” as the  
 19 earlier-filed action); *Ruff v. Del Monte Corp.*, 2013 WL 1435230, at \*3 (N.D. Cal.  
 20 Apr. 9, 2013) (finding product liability class actions, each asserting violations of  
 21 distinct consumer protection statutes, were “substantially similar in scope” for  
 22 purposes of applying the first-to-file rule); *Nova Wines, Inc. v. Adler Fels Winery*  
 23 *LLC*, 2007 WL 708556, at \*3 (N.D. Cal. Mar. 2, 2007) (staying case under the first-  
 24 to-file rule where an earlier-filed action involving different parties would have been  
 25 “highly probative” on the issues in the instant action).

26 The first-to-file rule contemplates overlap between the classes, even if they are  
 27 defined differently, where, as here, the two putative classes are not mutually  
 28 exclusive. *Barulich* includes a putative class of California residents who called Home



1 Depot’s allegedly CCAI-enabled call center, and *Ambriz* includes two putative  
 2 classes—a nationwide class and a California subclass—of persons who called  
 3 Verizon’s allegedly CCAI-enabled call center. *Barulich* Compl. ¶ 36; *Ambriz* Compl.  
 4 ¶¶ 40–41. These classes are not mutually exclusive; some California residents may  
 5 have called both Verizon’s and Home Depot’s call centers and would be included in  
 6 both class definitions.

7 Furthermore, due to the particularized risk that parallel class actions pose to  
 8 federal comity, courts have granted motions to transfer under the first-to-file rule  
 9 even where the two actions involve *mutually distinct classes with no overlap*. See  
 10 *MSP Recovery Claims, Series LLC v. Mallinckrodt ARD Inc.*, 2018 WL 2589014, at  
 11 \*3 (C.D. Cal. Jan. 17, 2018) (finding parties “sufficiently similar” and transferring  
 12 case where the parties represented that plaintiffs in one class action “are excluded  
 13 from the class definition” of the other); *Granillo v. FCA U.S. LLC*, 2016 WL  
 14 8814351, at \*3–4 (C.D. Cal. Jan. 11, 2016) (finding parties “sufficiently similar” and  
 15 transferring case where “the classes in both actions were mutually exclusive”);  
 16 *Cadenasso v. Metro. Life Ins. Co.*, 2014 WL 1510853, at \*10–11 (N.D. Cal. Apr. 15,  
 17 2014) (finding parties “sufficiently similar” and transferring case where one putative  
 18 class consisted of only Missouri residents, and the other consisted of residents of the  
 19 other 49 states, making both classes “mutually exclusive”). As in these cases, and  
 20 despite the differences in the class definitions, *Barulich* and *Ambriz* involve the same  
 21 key legal issues, name Google as a defendant, and represent a class of consumers  
 22 who claim they were wiretapped and/or eavesdropped upon via Google’s CCAI.

23 Given the close relationship between this action and *Ambriz*, and the risk of  
 24 inconsistent rulings if the cases remain in two separate courts, the Court should  
 25 transfer this case to the Northern District of California to “maximize ‘economy,  
 26 consistency, and comity.’” See *Kohn*, 787 F.3d at 1240 (citation omitted).

### 27 **B. Transfer Is Also Appropriate Under Section 1404(a)**

28 Transfer is also appropriate under Section 1404(a). In evaluating whether to

1 transfer an action under Section 1404(a), a court “must first determine whether the  
2 transferee court is one in which the action could originally have been brought.”  
3 *Gomes v. Wal-Mart Assocs., Inc.*, 2023 WL 5506024, at \*2 (C.D. Cal. Apr. 13, 2023).  
4 “If the answer to this threshold question is yes, the court must then determine whether  
5 transfer is appropriate, considering the convenience of the parties, witnesses, and the  
6 interest of justice.” *Id.*

7 ***This action could have been filed in the Northern District of California:*** To  
8 satisfy the first Section 1404(a) requirement, the transferee court must have subject  
9 matter jurisdiction over the dispute, personal jurisdiction over the parties, and venue  
10 must be appropriate. *Bowman v. IRC-Interstate Realty Corp.*, 2014 WL 12966001,  
11 at \*3 (C.D. Cal. June 20, 2014).

12 Here, there is no dispute that *Barulich* could have been filed against Google in  
13 the Northern District of California, which has subject matter jurisdiction over this  
14 dispute pursuant to the Class Action Fairness Act of 2005. 28 U.S.C. § 1332(d)(2);  
15 *see Barulich* Compl. ¶ 10. Given that both *Barulich* and Google are residents of  
16 California, the Northern District of California has personal jurisdiction over both  
17 parties.<sup>2</sup> *See Barulich* Compl. ¶¶ 12–13. Finally, venue would be proper in the  
18 Northern District under 28 U.S.C. § 1391(b)(2) because Google—which developed  
19 and licensed CCAI, the service at the center of *Barulich*’s claims—maintains its  
20 principal place of business there. *See Barulich* Compl. ¶ 12. Thus, the first  
21 requirement under Section 1404(a) is satisfied.

22 ***Considerations of convenience and fairness support transfer:*** In evaluating  
23 whether the interests of justice warrant transfer under Section 1404(a), courts  
24 consider a variety of factors that should not be applied mechanically, including but

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25 <sup>2</sup> Home Depot contends that there is no personal jurisdiction over Home Depot in  
26 *either* the Central District or the Northern District of California. ECF No. 27. If  
27 necessary, Google alternatively requests a stay of this action (under the first-to-file  
28 rule) while the Court resolves Home Depot’s challenge to personal jurisdiction. If  
this Court concludes that there is personal jurisdiction, counsel for Home Depot has  
represented that it does not object to transfer.



1 not limited to: (1) “the location where the relevant agreements were negotiated and  
 2 executed”; (2) “the differences in the costs of litigation in the two forums”; and  
 3 (3) “the ease of access to sources of proof.” *See Gomes*, 2023 WL 5506024, at \*2  
 4 (considering these factors “against the backdrop of the statutory requirements 28  
 5 U.S.C. 1404(a): Convenience of witnesses, convenience of parties, and the interests  
 6 of justice”). These factors also support transferring this action to the Northern District  
 7 of California.

8 Because Google has its principal place of business in the Northern District,  
 9 much of the evidence relevant to this case and *Ambriz* will likely originate and/or be  
 10 coordinated from that District. This includes evidence regarding the development,  
 11 capabilities, use and maintenance of the underlying technology at issue—CCAI—as  
 12 well as evidence related to CCAI contracts with Google’s customers. In addition to  
 13 documentary evidence, the largest group of Google employees with relevant  
 14 knowledge about these cases are based in the Northern District of California, thus  
 15 making it more convenient for them to participate in proceedings if this action is  
 16 transferred. *See Declaration of Jacky Goodwin ¶ 2.*

17 Further, considerable efficiencies will be gained by the parties and the courts  
 18 if both cases proceed in the same District before a single judge. As to conserving  
 19 judicial resources, the Northern District may explore a variety of options to manage  
 20 the two cases if this case is transferred, which could take the form of consolidated  
 21 briefing, coordinated discovery, or other mechanisms that can be used to efficiently  
 22 resolve the cases. At minimum, litigating two fundamentally identical cases in two  
 23 separate districts will make it more costly for both Google and the federal judiciary.  
 24 The interests of justice will be served if the Court transfers this action to the Northern  
 25 District so that it can be litigated alongside *Ambriz*.

## 26 **V. CONCLUSION**

27 For these reasons, the Court should transfer this action to the Northern District  
 28 of California pursuant to the first-to-file rule or under Section 1404(a).

1 Dated: April 19, 2024

COOLEY LLP

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3  
4 By: /s/ Kristine A. Forderer  
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5 Attorney for Defendant  
6 GOOGLE LLC

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8 **CERTIFICATE OF COMPLIANCE**

9 The undersigned, counsel of record for Google LLC, certifies that this brief  
10 contains 3,588 words, which complies with the word limit of L.R. 11-6.1.

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12 /s/ Kristine A. Forderer  
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